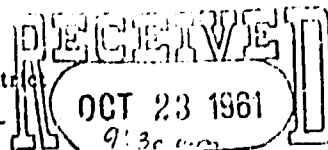


No. 880-3Water Division No. 3 Big Sioux River District
(Blanks to be Filled by the Engineer for the W. R. C.)

VESTED RIGHT **APPLICATION FOR PERMIT**

STATE WATER RESOURCES COMM.

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant South Dakota Department of Game, Fish and Parks
 Postoffice address Pierre, County Hughes, State South Dakota

- I. If a corporation _____
 (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work LAKE PELICAN - Codington County
As required to fill lake to outlet level - approximately 10,500
 3. Amount of water claimed acre feet per year cubic feet per second _____
 4. Source of water supply Big Sioux River
One point in the watershed located in the NW 1/4 of Sec. 1,
 5. Location of point of diversion T. 116, R. 53
 _____ on _____ bank _____ County.
 6. Annual period or periods during which water is to be used all year round
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? _____

- (a) Number of acres to be irrigated _____ acres.

- (b) Legal subdivisions to be irrigated _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) To the ordinary high water mark

of the inundated portion of Sec. 1, 2, 3, 8, 9, 10, 11, 15, 16, & 17 T. 116, R. 53.

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use public recreational purposes

(Name any of the above uses claimed)

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

- (e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant etc.)

II. Dimensions of works. Information requested not applicable. Lake Pelican is a meandered lake. Approximate maximum depth is 7 feet.

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front water face; slope at back face
 material used in construction
 (b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark 3500 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET ACRE-Feet CAPACITY

(c)* Head gate: Width feet; height feet;
 Material
 (d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work years. Not applicable - a meandered lake
 11. Time required for complete application of water to the proposed beneficial use years.
 12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA

County of Hughea } ss.

I, Walter J. Fillmore, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this

20

day of

October

1961

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

11-6-55

Remarks by State Water Resources Commission:

"Vested right" claimed.

STATE OF SOUTH DAKOTA

County of

HUGHES

ss.

Pierre, South Dakota,

December 26, 1962

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock

a.m. upon the 23rd day of October, 1962

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 880-3

Date of first receipt of application

October 23

1962

Date of return to applicant for correction, amendments or changes required as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right

1889

19

Approved

December 26

1962

Recorded in Book

7

Page

310

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed ~~on or before~~

19

2nd. The whole of said work is to be completed ~~on or before~~

19

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

completed

19

4th. The water appropriated shall be used for the purpose of public recreation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 10,500 acre feet annually ~~in the exercise of the best husbandry~~; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops ~~in the exercise of the best husbandry~~; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually ~~used~~

used for public recreation

and beneficially ~~applied for irrigation~~ on or before

June 30, 1965

19

said water to be used during the following described annual period:

Continuously

Witness my hand this

26th

day of

December

1962

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued

December 26, 1962

Water License Issued

December 26, 1962

An Ordinary High Water Mark was established on Lake Pelican at an elevation of 1710.2 feet msl at the March 25 & 26, 1981 Water Management Board meeting.

At the October 7 & 8, 1981 Water Management Board Meeting, Game, Fish & Parks Water Right No. 880-3 was clarified to allow the water level at Lake Pelican to be maintained at no higher than 1709.7 feet msl.

STATE OF SOUTH DAKOTA

WATER LICENSE No....887-3....

WHEREAS, On the 23rd day of October A. D. 19 61
the Department of Game, Fish and Parks
of Pierrre County of Hughes and State of
South Dakota duly made application (No. 887-3) to us for a Vested Right permit to use 10,500 acre feet
annually cubic feet per second of the waters of the Big Sioux River and local watershed
County of Codington, State of South Dakota, for public recreation
purposes; and

WHEREAS, On the 26th day of December A. D. 19 62
Vested Right permit No. 887-3 was issued to said applicant for the diversion of said water, recognizing
completion of the works of diversion therein described on or before the
and for beneficial application to beneficial use of said
water on or before the day of A. D. 1962
and,

WHEREAS, On the 23rd day of October A. D. 19 61
the holder of said permit duly made proof of the completion of adequate works for the diversion of 10,500 acre feet
annually cubic feet per second of said waters, as evidenced by our Certificate No. 887-3
dated December 26, 1962 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 10,500 acre feet annually water, with date of
priority of 1889 and,

WHEREAS, On the 23rd day of October A. D. 19 61
proof was duly made of the application to beneficial use of 10,500 acre feet annually cubic feet per second of said water;
to be used in place for public recreation

NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to the Department of Game, Fish and Parks
of Pierre ^{Vested Right} the holder and owner of said permit No. 880-3
a water right, dating from 1889 to the use of 10,500 acre-feet
cubic feet per second of the waters of the Big Sioux River and local watershed ^{annually}
in the County of Codington and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at a point in the NW 1/4 SE 1/4, Section 1,
T 116N, R 53W
and ~~existing in and under~~ stored in place

for the purpose of public recreation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 26th day of December A. D. Nineteen
Hundred and Sixty-Two

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 880-3Water Division No. 3 BIG SIOUX Water District
RIVER

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That THE Department of Game, Fish and Parksof Pierre, County of Hughes, and State ofSouth Dakota the holder Vested Right of Permit No. 330-3, issued upon ApplicationNo. 880-3, bearing date of priority of 1884, authorizing the diversion of10,500 acre-feet annually of the waters of the Big Sioux River and local wa. rainedCounty of Codington, State of South Dakota, at a point in the NW 1/4 Sec 4,Section 1, T. 116N, R. 53Wfor Public recreation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of

completion of the works of diversion set out and described in said Permit; that said works are recognized assatisfactory condition for diverting and conveying to the place of intended use 10,500 acre-feet annuallyper second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,to-wit: to be used in place for public recreationWitness my hand this 26th day of December A. D. 19-62

State Water Resources Commission

By:

J.W. GRIMES ,

Chief Engineer, Executive Officer

877-3; 878-3; 879-3; 880-3; 881-3; 882-3; 883-2; 884-3; 885-3; 886-3

April 24, 1964

Walter J. Filmore .. Director
Department of Game, Fish and Parks
Pierre, South Dakota

Dear Mr. Filmore:

Enclosed herewith are your "Vested Right" permits to
appropriate water, the Certificate of Completion of Works and Water
License for the following applications:

No.	Lake	County
877-3	Dry Lake	Codington
878-3	Unnamed Slough	Codington
879-3	Lake Nielsen	Codington
880-3	Lake Pelican	Codington
881-3	Grass Lake	Codington
882-3	Punished Woman's Lake	Codington
883-3	Mc Killigons Lake	Codington
884-3	Medicine Lake	Codington
885-3	Horsehoe Lake	Codington
886-3	Pound Lake	Codington

Sincerely,

J.W. ORMEY

JWM/bw

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. South Dakota Department of Game, Fish and Parks, Pierre, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Big Sioux River - one point in the watershed located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1
T. 116, R. 53

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. A meandered lake - depth 7 feet - 3500 acres

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Fish and wildlife propagation, conservation and recreation

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Used in place in lake or reservoir

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. As required to fill lake to outlet level - approximately 10,500 acre feet per year

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. A meandered lake. Used by the public for uses specified except for that
amount lost by evaporation and seepage.

(Sign)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before

me, at my office in Pierre, County of Hughes

State of South Dakota, on this 20 day of October, A. D. 1961

Witnesses.

11-6-65

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

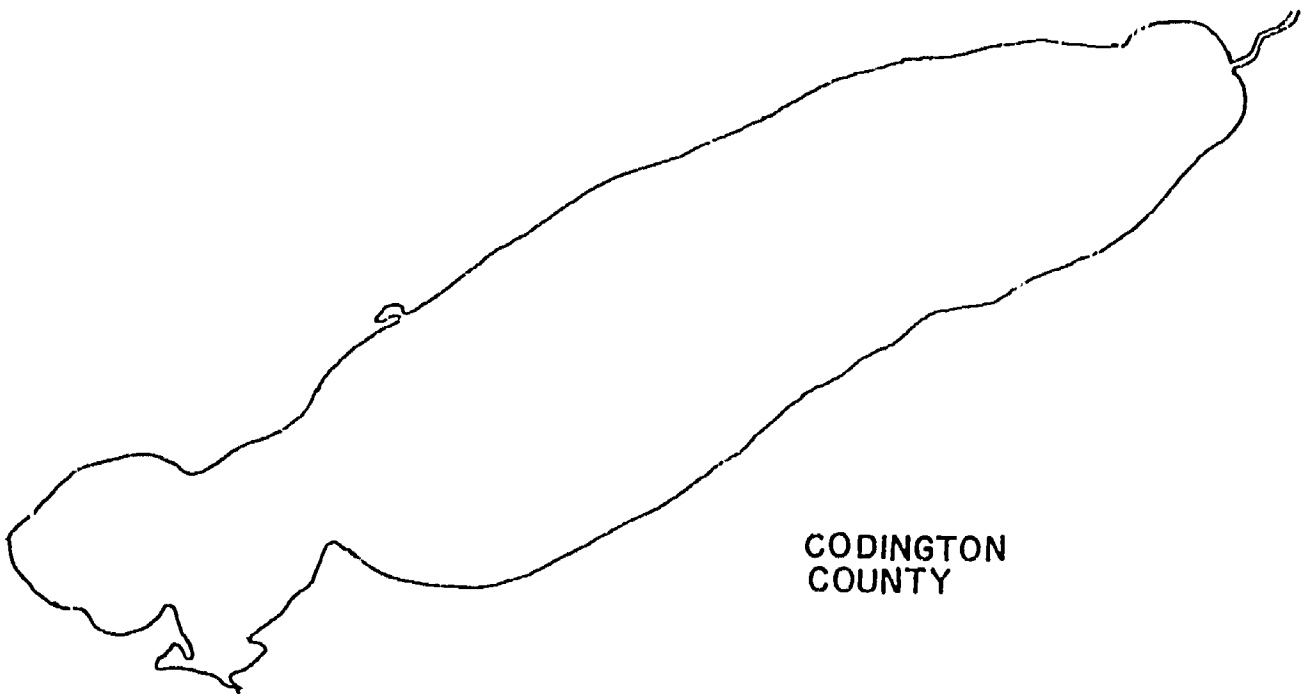
Place of Use _____

Date of recording _____

Received and filed _____

ORDINARY HIGH WATER MARK
INVESTIGATIONS FOR

PELICAN LAKE



CODINGTON
COUNTY

Lake Pelican Investigation
To Determine the
Ordinary High Water Mark

February 1981

The Board of Water Management pursuant to SDCL 43-17-21 is mandated to establish the Ordinary High Water mark (OHWM) on public lakes in South Dakota. This contains the results of the investigation conducted by the Division of Water Rights to determine the elevation of the OHWM and outlet structure for Lake Pelican.

The sea level elevations in this report are referenced to the Department of Transportation bench mark located on the north side of the Highway 212 bridge crossing the Big Sioux River. The elevation of this bench mark is 1717.21 feet above mean sea level (msl).

Lake Pelican is a natural glacial lake in the Big Sioux outwash deposit. It is located in Sections 1, 2, 3, 8, 9, 10, 11, 12, 15, 16, and 17 of Township 116 North; Range 53 West (see page 3). The lake is about one mile wide and five miles long covering approximately 2,800 acres with an average depth of five feet (see page 4). The water levels are influenced mainly by the extensive aquifer connection and the diversion waters of the Big Sioux River.

The diversion of water from the Big Sioux River has been accomplished by constructing a diversion dam across the river and connecting the river and lake with a channel (see page 5). The diversion dam is also the lake's outlet structure. The overflow elevation for this structure is 1709.7 feet (msl). This structure has been designed with a provision for lowering the outlet elevation of the lake. This can be done by the removal of planks in one section of the diversion dam (see page 6).

The removal of these planks should take place only if precipitation build up during the winter approaches critical quantities. This would allow an early release of water from the area providing more storage of flood waters. At all other times the planks should remain in, in order to maintain a proper level for the lake relative to its OHWM.

The OHWM of a lake is coordinated with the upper level of the lake. The determination of the OHWM is arrived at by the examination of the bed and banks of the lake to ascertain where the presence and action of the water has been so common and usual in ordinary years to leave upon the ground a line with respect to the character of the vegetation and soil. In examining a lake for determination of this level, it is necessary to consider the size, watershed, topography, soils, and general characteristics of the lake. Trees, being the largest and most permanent expression of upland growth, are used wherever suitable sites can be obtained to determine the relationship of the ground to the OHWM level. Records of ordinary high water levels are reflected in the well established trees along a lake's shoreline. Cottonwood, ash and willows are the most predominant trees that grow along the shores of South Dakota's lakes. Experimentation and research have shown that most trees will not survive if

water levels of one-half to one tree diameter below the base elevation of the tree exist for more than 25% of the growing season. In using this method, consideration must be given to the character of the soil, slope of the ground, the effect of water and ice on the shoreline and banks, and the physical condition and growing characteristics of the tree.

The principle field investigation for this report was conducted in August, 1980. At this time the examination of the shoreline, banks, and vegetation of Lake Pelican was conducted. The shoreline areas selected for study were those least affected by man. Most of the shoreline of Lake Pelican is undeveloped. Providing many areas to locate OHWM indicators.

Changes in soil characteristics and grass vegetation were observed between elevations of 1710.2 and 1710.4 feet msl. Photos #1 and #2 are representative examples of vegetation lines found along the shoreline. These vegetation lines reflect a change in the soil characteristics. Where the action of water has caused a separation of the smaller clay and silt particles from the sands and gravels. High water bleach lines were found on rocks at an elevation of 1710.3 feet msl. Photo #3 is an example of these bleach lines. Photos #4, #5, and #6 are of trees revealing signs of being adversely affected by the zone of saturation in which their root systems have existed and reflect this zone in their growing characteristics. Such trees are often stunted and their development is inferior to a normal tree of that species. The branches are shorter than usual and taper rapidly. The base of the tree sometimes exhibits swelling due to the presence of water during the growing season. This "butt swell" is apparent in all the photos of trees in this report. The OHWM can be approximated by a relationship of the base elevation of a tree to its diameter. This is determined by averaging the elevations of the lake side and land side of the tree, then subtracting one half the diameter of the tree from its average base elevation.

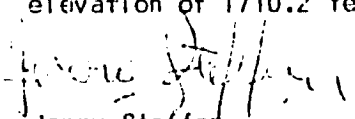
By this method the OHWM was determined to be within a range of 1709.9 to 1710.3 feet msl.

Conclusions

From the examination of the bed and banks of Lake Pelican and of the vegetation found on the shore. It was determined that the Ordinary High Water Mark for Lake Pelican has been established by the existing conditions at an elevation of 1710.2 feet above mean sea level.

Recommendation

It is recommended by the Water Rights Staff that the Board of Water Management establish the Ordinary High Water Mark for Lake Pelican at an elevation of 1710.2 feet above mean sea level.

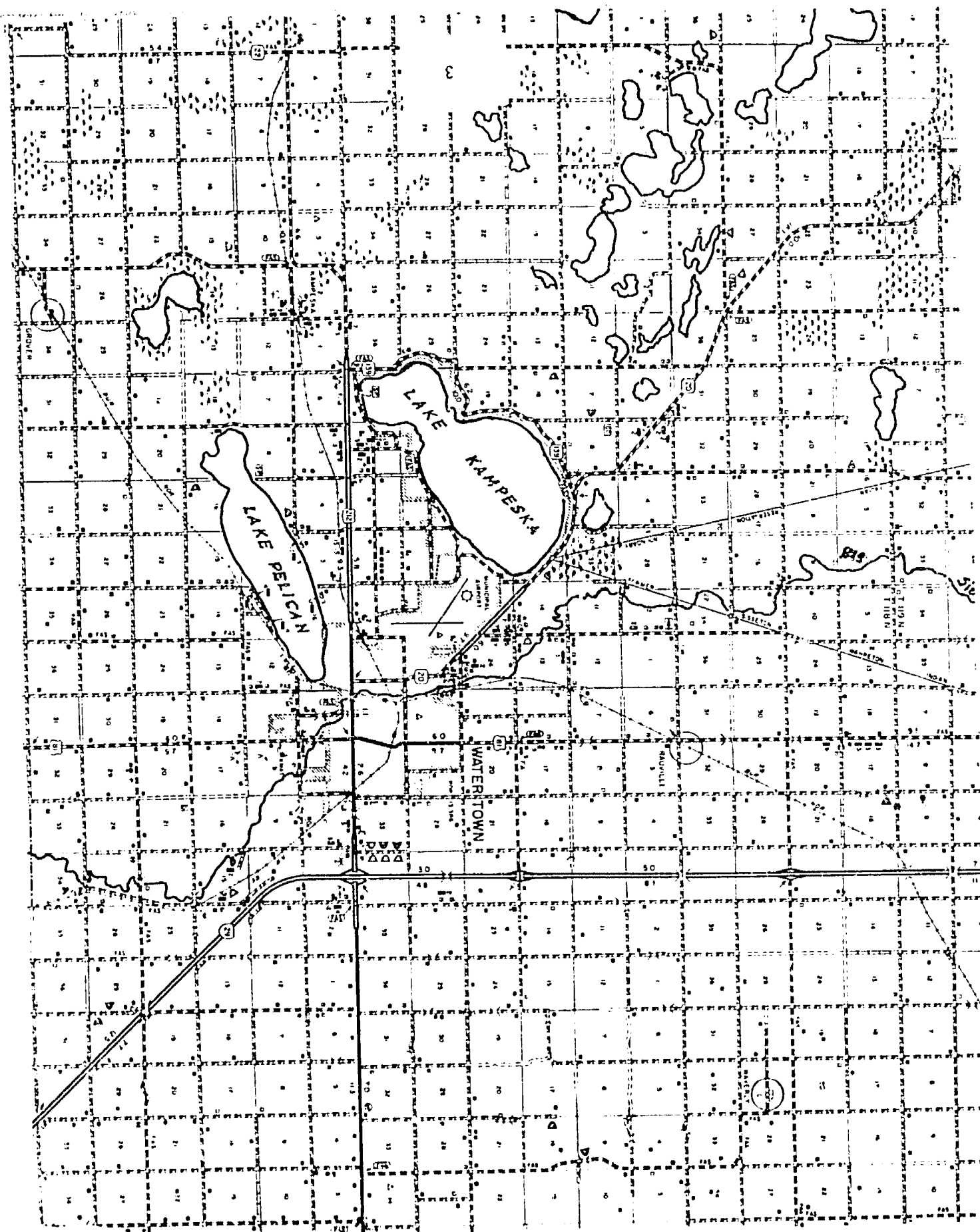

Jerry Stoffen
Water Resources Engineer

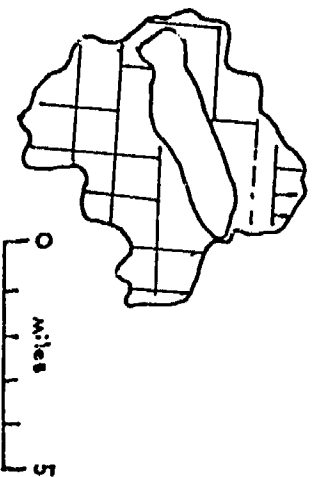
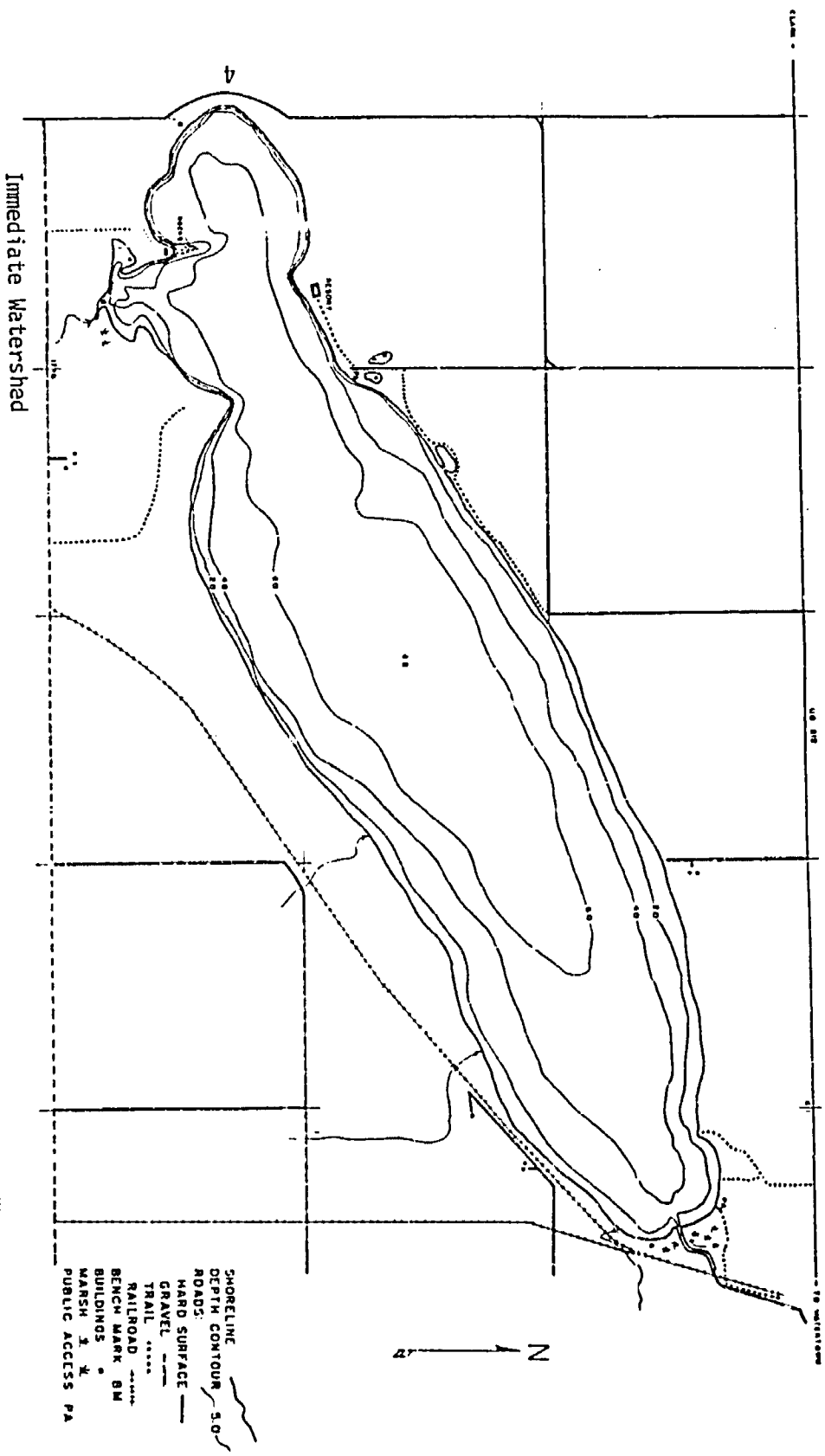
STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)SS

a31210bt

Swore to, before me, this 23rd day of March, 1981.


2 LOIS L. RIES, Notary Public
My Commission Expires
February 3, 1982





SOUTH DAKOTA
DEPT OF GAME, FISH AND PARKS
PELICAN LAKE
CODINGTON COUNTY
WATER STAGE PLANNING
15 LOW ACRES 27958
AERIAL PHOTO FIELD WORK DRAWN BY L.R.M.O.A.
DATE 1939 DATE FEB 51 DATE 7-13-54
SIC: 238 910 II TWRI 6 N ROE 53 W
12 16 17



NORTH WESTERN

WATERTOWN

212

10

52

81

Sewage Disposal

Slough

Flow

PELICAN

LAKE

Diversion Channel

Diversion Dam outlet Structure

Natural Channel

B. E.

B. N.

BURLINGTON NORTHERN

CONCRETE BIG SIOUX RIVER-LAKE PELICAN DIVERSION DAM - Scale 1 inch = 10 ft.

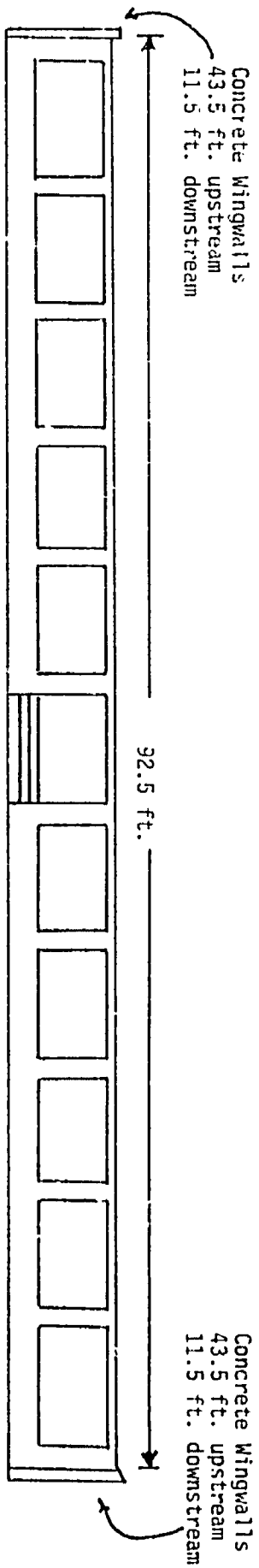


DIAGRAM SHOWING CONTROL SECTION OF DIVERSION DAM - Scale 1 inch = 2 ft.

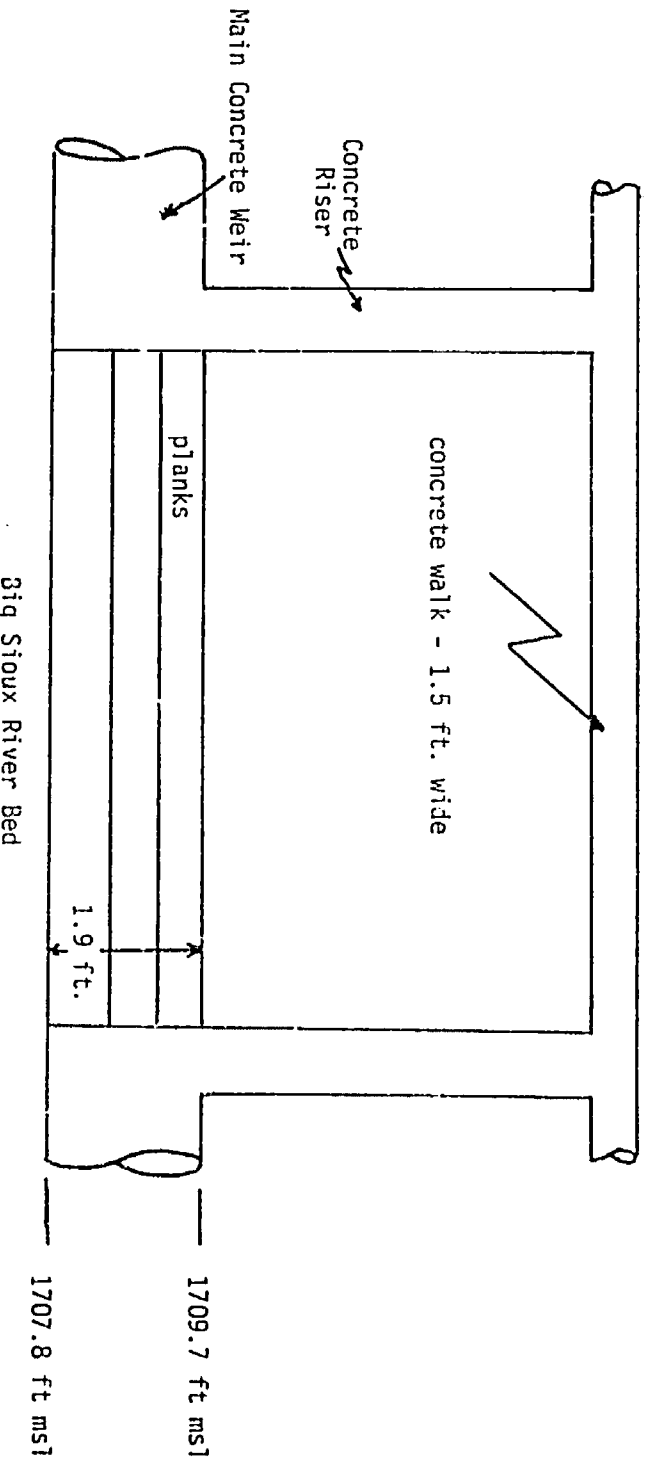




Photo No. 1 - Public Access North Shore
Vegetation Line 1710.4



Photo No. 2 - South Shore
Lower Vegetation Line
1710.2



Photo No. 3 - NW Corner of Lake
Top of rock that rod is on. 1710.3



Photo No. 4 - Cottonwood 30 yrs. 1.1 ft. dia.
Base Lakeside 1710.0 Ave. 1710.4
Elev. Landside 1710.8
OHWM 1710.4 - 0.5 (1.1) = 1709.9



Photo No. 5 - SE Shore

Cottonwood 45 yrs. 2.2 ft. dia.
 Base Lakeside 1711.2 Ave. 1711.4
 Elev. Landside 1711.6
 OHWM $1711.4 - 0.5 (2.2) = 1710.3$



Photo No. 6 - Public Access East End

Cottonwood 2.1 ft. dia.
 Base Lakeside 1711.1 Ave. 1711.3
 Elev. Landside 1711.5
 OHWM $1711.5 - 0.5 (2.1) = 1710.3$

Conversation or File Documentation

NAME OF PERSON OR FILE: SD Dept of Game, Fish and Parks - Pelican Lake

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: Ordinary High Water Mark determination

COMMENTS:

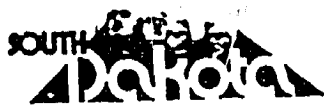
March 25 & 26, 1981 - Water Management Board minutes

Mr. Arend MOVED, SECONDED by Mrs. Gunderson that the Ordinary High Water Mark
for Pelican Lake be set at elevation 1710.2 feet msl. MOTION CARRIED.

October 7 & 8, 1981 - Water Management Board Minutes

Mr. Rylance MOVED, SECONDED by Mrs. Gunderson that Water Right No. 880-3 is
hereby clarified to allow the water level at Lake Pelican to be maintained at
no higher than 1709.7 feet msl. MOTION CARRIED.

File in Permit or other file as necessary. Use to document conversations and
what the other party was told; why action or decision was made.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

JUN 13 1989

Ron Koth
Department of Game, Fish and Parks
Anderson Building
Pierre SD 57501

Dear Mr. Koth:

The Water Management Board has validated the enclosed Vested Water Right Nos. 880-3, 890-3, 1468-3, 1473-3, 5049-3. These validations give legal status to the claims and are the final documents for your vested rights.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure



SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 880-3

Date Claim Accepted For Filing October 23, 1961.

Date of Validation May 10, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 880-3 for the South Dakota Department of Game, Fish and Parks, 445 E Capitol, Pierre, South Dakota 57501 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 880-3 is for sufficient runoff water annually to allow the water level of Lake Pelican in Codington County to be maintained at an elevation no higher than 1709.7 feet above mean sea level. The outlet elevation was established at the October 7-8, 1981 Water Management Board meeting. Lake Pelican is located in Sections 1,2,3,8, 9,10,11,12,15,16 and 17; T116N, R53W.

2. The appropriated water is used for maintaining water levels in Lake Pelican and may not exceed the amount of water needed for beneficial use for public recreation purposes.

The water is to be used during the following annual period: January 1 - December 31.

3. The priority date of the Vested Water Right is: November 2, 1889.

4. The water use system has been constructed and water has been applied to beneficial use.

5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

REMARKS

An Ordinary High Water Mark was established for Lake Pelican at an elevation of 1710.2 feet msl at the March 25-26, 1981 Water Management Board meeting.

WATER MANAGEMENT BOARD

By: 
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

JUN 13 1989
date

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

Richard Beringson, Secretary
Department of Game, Fish and Parks
Anderson Building
445 E Capitol
Pierre SD 57501

Dear Mr. Beringson:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of all Department of Game, Fish and Parks Vested Water Right Claims for lakes for the following reasons:

1. Until the outlet elevation for each lake is surveyed and the outlet elevation is set by the Water Management Board.
2. To allow the Vested Water Right Claim to be amended, if necessary, as follows:
 - a) Include the outlet elevation;
 - b) To correct the amount of water claimed;
 - c) To add the qualification that a vested claim is subject where necessary to installation of a concrete outlet structure to assure retention of the outlet as the established elevation; and
 - d) To add any amendments and qualifications necessary to clarify a Vested Right Claim.

Also, that I intend to oppose validation of all Department of Game, Fish and Parks Vested Water Right Claims for dams to allow the Vested Water Right Claim to be amended, if necessary, as follows:

1. To include the spillway elevation;
2. To correct the amount of water claimed; and
3. To add any amendments and qualifications necessary to clarify a Vested Right Claim.

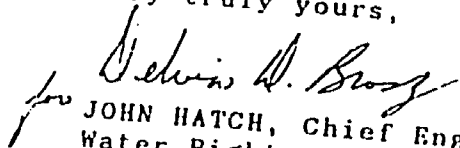


September 21, 1988
Richard Beringson, Secretary
Page 2

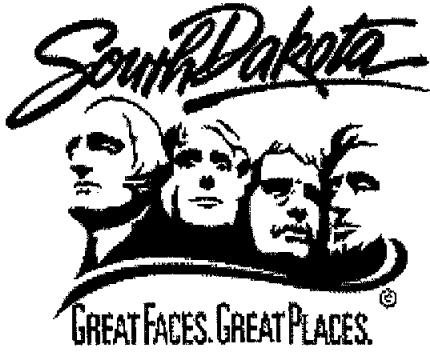
We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation process will take several years to complete, the results should be of benefit to the public and to your Department. As the work is completed to validate each claim, the claim will be presented to the Water Management Board for validation.

Please advise if you have any questions.

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

cc: Ron Koth, Department of Game, Fish and Parks



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2018

119-3A 1576-3 28-3 826-3
857-3 859-3 880-3 890-3

SD GAME FISH & PARKS
ATTN: JOHN LOTT
523 E CAPITOL
PIERRE SD 57501

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR LOTT,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

 Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 12, 2018

119-3A, 1576-3, 28-3, 826-3
857-3, 859-3, 880-3, 890-3

SD Game, Fish & Parks
Attn: John Lott
523 E Capitol
Pierre SD 57501

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Lott:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

Memo to File

Pelican Lake in Codington County

VWR No. 880-3

The OHWM was set by the Water Management Board on March 25 & 26, 1981.

OHWM elevation 1710.2 fmsl NGVD29

The outlet elevation was set by the Water Management Board on March 7 & 8, 1981.

Outlet elevation 1709.7 fmsl NGVD29.

The Water Management Board validated Vested Water Right No. 880-3 on May 10, 1989.